

ORDINANCE NO. 09-93

ORDINANCE IDENTIFYING SPECIFIC LONG-TERM AGREEMENTS EXCEEDING FIVE YEARS INVOLVING EXPENDITURE OF CITY FUNDS THAT ARE APPROVED BY A MINIMUM OF FIVE AFFIRMATIVE VOTES OF THE CITY COUNCIL IN FURTHERANCE OF THE INTENT AND PURPOSE OF THE CITY CHARTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hialeah Charter provides that the City Council by a super-majority vote of at least five affirmative votes can approve contracts or obligations exceeding five years that involve the expenditure of city funds; and

WHEREAS, the purpose and intent of this ordinance is to identify certain long-term agreements, to wit: joint participation agreements, joint use agreements, lease agreements supported by nominal rent and operating agreements, bonds and mortgages, if approved by a minimum of five affirmative votes of the City Council, in furtherance of the intent and purpose of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby identifies specific long-term agreements exceeding five years involving expenditure of City funds that are approved by a minimum of five affirmative votes of the City Council in furtherance of the intent and purpose of the City Charter, to wit: joint

participation agreements, joint use agreements, lease agreements supported by nominal rent, operating agreements, bonds and mortgages.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

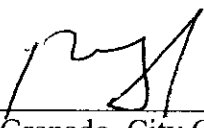
PASSED and ADOPTED this 24th day of November, 2009.



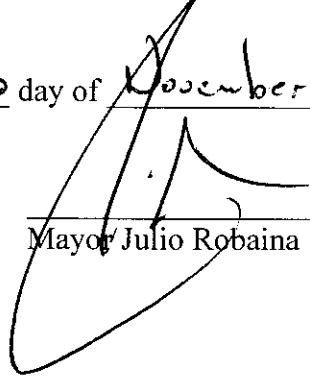
Carlos Hernandez
Council President

Attest:

Approved on this 30 day of November, 2009.




Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez, Yedra voting "Yes", Councilmember Garcia-Martinez absent.